

Post Environmental Approval Procedures

Categorical Exclusion (CE)

Once the CE receives formal approval, any design changes are handled by an additional information letter.

Additional Information

If the environmental document is approved and changes in the project occur due to design requirements or other unforeseen circumstances, and the changes do not significantly alter the scope of the project, then a letter describing the changes may be sent through the appropriate channels for formal approval. The "Additional Information" letter should describe the project as was proposed and describe in detail the changes involved including any coordination with other agencies involved in the changes. If the changes are such that the scope of the project is altered such as from a CE to an EA, then a new study is required.

Environmental Assessment (EA)/Finding of No Significant Impact (FONSI)

EA's may be handled in the same manner as the above CE procedures. Substantial changes in design should be processed as additional information or an addendum to the EA. If the changes are very minor in nature, they may be discussed in the request for the FONSI.

Environmental Impact Statements (EIS): Reevaluations

Draft EIS Reevaluation:

If an acceptable final EIS is not received by FHWA within 3 years from the date of the draft EIS circulation, then a written evaluation is required to determine whether there have been changes in the project or its surroundings or new information which would require a supplement to the draft EIS or a new draft EIS. The written evaluation should be prepared in consultation with FHWA and should address all current environmental requirements. The entire project should be revisited to assess any changes that have occurred and their effect on the adequacy of the draft EIS.

There is no required format for the written evaluation. It should focus on the changes in the project, its surroundings and impacts and any new issues identified since the draft EIS. Field reviews, additional studies (as necessary) and coordination (as appropriate) with other agencies should be undertaken and the results included in the written evaluation. If, after reviewing the written evaluation, the FHWA concludes that a supplement EIS or a new draft EIS is not required, the decision should be appropriately documented. Since the next major step in the project development process is preparation of a final EIS, the final EIS may document the decision. A statement to this fact, the conclusions reached and supporting information should be briefly summarized in the Summary Section of the final EIS.

Final EIS Reevaluation:

There are two types of reevaluations required for a final EIS: consultation and written evaluation. For the first, consultation, the final EIS is reevaluated prior to proceeding with major project approval (e.g., right-of-way acquisition, final design and plans, specifications, and estimates (PS and E) to determine whether the final EIS is still valid. The level of

analysis and documentation, if any, should be agreed upon by the FHWA and the highway agency. The analysis and documentation should focus on and be commensurate with the changes in the project and its surroundings, potential for controversy, and length of time since the last environmental action. For example, when the consultation occurs shortly after final EIS approval, an analysis usually should not be necessary. However, when it occurs nearly 3 years after final EIS approval, but before a written evaluation is required, the level of analysis should be similar to what normally would be undertaken for a written evaluation. Although written documentation is left to the discretion of the FHWA Division Administrator, it is suggested that each consultation be appropriately documented in order to have a record to show the requirement was met.

The second type of reevaluation is a written evaluation. It is required if the highway agency has not taken additional major steps to advance the project (i.e., has not received from FHWA authority to undertake final design, authority to acquire a significant portion of the right-of-way, or approval of the PS and E) within any 3-year time period after approval of the final EIS, the final supplemental EIS, or the last major FHWA approval action. The written evaluation should be prepared in consultation with FHWA and should address all current environmental requirements. The entire project should be revisited to assess any changes that have occurred and their effect on the adequacy of the final EIS.

There is no required format for the written evaluation. It should focus on the changes in the project, its surroundings and impacts and any new issues identified since the final EIS was approved. Field reviews, additional environmental studies (as necessary), and coordination with other agencies should be undertaken (as appropriate to address any new impacts or issues) and the results included in the written evaluation. If it is determined that a supplemental EIS is not needed, the project files should be documented appropriately. In those rare cases where an EA is prepared to serve as the written evaluation, the files should clearly document whether new significant impacts were identified during the reevaluation process.

Supplemental Environmental Impact Statements

Whenever there are changes, new information, or further developments on a project which result in significant environmental impacts not identified in the most recently distributed version of the draft or final EIS, a supplemental EIS is necessary. If it is determined that the changes or new information do not result in new or different significant environmental impacts, the FHWA Division Administrator should document the determination. (After final EIS approval, this documentation could take the form of notation to the files; for a draft EIS, this documentation could be a discussion in the final EIS).

There is no required format for a supplemental EIS. The supplemental EIS should provide sufficient information to briefly describe the proposed action, the reason(s) why a supplement is being prepared, and the status of the previous draft or final EIS. The supplemental EIS needs to address only those changes or new information that are the basis for preparing the supplement and were not addressed in the previous EIS. Reference to and summarizing the previous EIS is preferable to repeating unchanged, but still valid, portions of the original document. For example, some items such as affected environment, alternatives, or impacts which are

unchanged may be briefly summarized and referenced. New environmental requirements which became effective after the previous EIS was prepared need to be addressed in the supplemental EIS to the extent they apply to the portion of the project being evaluated and are relevant to the subject of the supplement. Additionally, to provide an up-to-date status of compliance with NEPA, it is recommended that the supplement summarize the results of any reevaluations that have been performed for portions of or the entire proposed action. By this inclusion, the supplement will reflect an up-to-date consideration of the proposed action and its effects on the human environment. When a previous EIS is referenced, the supplemental EIS transmittal letter will indicate that copies of the original (draft or final) EIS are available and will be provided to all requesting parties.